

United States District Court

DISTRICT OF

BARRY Colby
Plaintiff

v.

Geoffrey Rushlow
Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

CASE NUMBER: **05-40124NG**

1. *BARRY Colby*

declare that I am the (check appropriate box)

☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC. §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?: ☒ Yes ☐ No (If "No" go to Part 2)

If "Yes" state the place of your incarceration *Federal Medical Center Devens, Ayer, MA 01432*

Are you employed at the institution? *YES* Do you receive any payment from the institution? *\$34.00 per month*

Have the institution fill out the Certificate portion of this affidavit and attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. if the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- | | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive.

AO 240 (1/94)

4. Do you have **any** cash or checking or savings accounts?☐ Yes☒ No

If "Yes" state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? ☐ Yes ☒ No

If "Yes" describe the property and state its value. _____

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. _____

I declare under penalty of perjury that the above information is true and correct.

August 2, 2005
DATE

SIGNATURE OF APPLICANT

CERTIFICATE(Incarcerated applicants only)
(To be completed by the institution of incarceration)I certify that the applicant named herein has the sum of \$ 0.02 on account to his/her credit at (name of institution) FMC DEVERNS, MA. I further certify that the applicant has the following securities to his/her credit: N/AI further certify that during the past six months the applicant's average balance was \$ 34.41

8/3/05

DATE



SIGNATURE OF AUTHORIZED OFFICER

Inmate Inquiry

Inmate Reg #:	03901036	Current Institution:	Devens FMC
Inmate Name:	COLBY, BARRY	Housing Unit:	J CC
Report Date:	08/03/2005	Living Quarters:	J01-126U
Report Time:	7:16:15 AM		

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

General Information

Administrative Hold Indicator: No
No Power of Attorney: No
Never Waive NSF Fee: No
Max Allowed Deduction %: 100
PIN: 4391
FRP Participation Status: Completed
Arrived From:
Transferred To:
Account Creation Date: 2/28/2002
Local Account Activation Date: 7/1/1991

Sort Codes:
Last Account Update: 8/2/2005 5:08:35 PM
Account Status: Active
ITS Balance: \$2.60

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
---------------	-----------------	---------------

Account Balances

Account Balance:	\$0.02
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$0.00
Other Encumbrances:	\$0.00
Outstanding Negotiable Instruments:	\$0.00
Administrative Hold Balance:	\$0.00
Available Balance:	\$0.02
National 6 Months Deposits:	\$206.48
National 6 Months Withdrawals:	\$207.40
National 6 Months Avg Daily Balance:	\$3.34
Local Max. Balance - Prev. 30 Days:	\$39.67
Average Balance - Prev. 30 Days:	\$2.43

Inmate Statement			
Inmate Reg #:	03901036	Current Institution:	Devens FMC
Inmate Name:	COLBY, BARRY	Housing Unit:	J CC
Report Date:	08/03/2005	Living Quarters:	J01-126U
Report Time:	7:18:12 AM		



Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount Ending Balance
DEV	8/2/2005 5:08:35 PM	38			Sales	(\$1.45)	\$0.02
DEV	7/19/2005 5:13:35 PM	42			Sales	(\$5.50)	\$1.47
DEV	7/12/2005 5:35:54 PM	45			Sales	(\$32.70)	\$6.97
DEV	7/12/2005 9:28:21 AM	5JV116			Payroll - IPP	\$39.52	\$39.67
DEV	6/22/2005 5:33:02 PM	73			Sales	(\$1.45)	\$0.15
DEV	6/15/2005 6:02:26 PM	67			Sales	(\$2.90)	\$1.60
DEV	6/8/2005 6:06:16 PM	125			Sales	(\$2.90)	\$4.50
DEV	6/8/2005 6:05:09 PM	124			Sales	(\$20.55)	\$7.40
DEV	6/6/2005 5:21:34 PM	ITS0606			ITS Withdrawal	(\$5.00)	\$27.95
DEV	6/6/2005 10:44:01 AM	5JV107			Payroll - IPP	\$32.80	\$32.95
DEV	5/18/2005 5:49:55 PM	83			Sales	(\$1.45)	\$0.15
DEV	5/4/2005 5:22:52 PM	58			Sales	(\$32.40)	\$1.60
DEV	5/4/2005 10:08:43 AM	5JV093			Payroll - IPP	\$33.76	\$34.00
DEV	4/13/2005 11:57:16 AM	27			Sales	(\$8.40)	\$0.24
DEV	4/6/2005 5:57:24 PM	14			Sales	(\$20.80)	\$8.64
DEV	4/5/2005 7:22:53 PM	ITS0405			ITS Withdrawal	(\$2.00)	\$29.44
DEV	4/5/2005 10:22:50 AM	5JV081			Payroll - IPP	\$30.88	\$31.44
DEV	3/17/2005 5:10:19 PM	51			Sales	(\$1.45)	\$0.56
DEV	3/10/2005 5:07:52 PM	44			Sales	(\$34.10)	\$2.01
DEV	3/7/2005 10:21:25 AM	5JV068			Payroll - IPP	\$34.76	\$36.11
DEV	3/3/2005 11:41:09 AM	11			Sales	(\$1.45)	\$1.35
DEV	2/17/2005 5:32:51 PM	54			Sales	(\$1.45)	\$2.80
DEV	2/10/2005 12:40:16 PM	51			Sales	(\$26.45)	\$4.25
DEV	2/9/2005 8:26:23 PM	ITS0209			ITS Withdrawal	(\$5.00)	\$30.70
DEV	2/7/2005 11:11:52 AM	5JV053			Payroll - IPP	\$34.76	\$35.70
DEV	1/27/2005 5:24:37 PM	58			Sales	(\$1.45)	\$0.94
DEV	1/13/2005 6:39:57 PM	86			Sales	(\$1.45)	\$2.39
DEV	1/6/2005 5:36:35 PM	80			Sales	(\$29.35)	\$3.84
DEV	1/5/2005 9:31:46 AM	5JV034			Payroll - IPP	\$32.80	\$33.19
DEV	12/20/2004 5:44:39 PM	47			Sales	(\$1.45)	\$0.39
DEV	12/13/2004 11:36:32 AM	20			Sales	(\$8.30)	\$1.84
DEV	12/6/2004 11:34:09 AM	18			Sales	(\$23.65)	\$10.14
DEV	12/6/2004 9:06:36 AM	5JV021			Payroll - IPP	\$33.76	\$33.79

DEV	12/3/2004	34	Sales	(\$1.80)	\$0.03
	12:11:44 PM				
DEV	11/15/2004	58	Sales	(\$7.10)	\$1.83
	5:46:27 PM				
DEV	11/8/2004	3	Sales	(\$26.30)	\$8.93
	11:06:08 AM				
DEV	11/5/2004	5JV004	Payroll - IPP	\$34.80	\$35.23
	9:39:14 AM				
DEV	10/18/2004	19	Sales	(\$9.65)	\$0.43
	11:43:41 AM				
DEV	10/12/2004	107	Sales	(\$27.80)	\$10.08
	6:30:00 PM				
DEV	10/5/2004	4JV157	Payroll - IPP	\$37.76	\$37.88
	10:03:00 AM				

Total Transactions: 40

Totals: (\$0.10) \$0.00

Current Balances

<u>Alpha Code</u>	<u>Available Balance</u>	<u>Pre-Release Balance</u>	<u>Debt Encumbrance</u>	<u>SPO Encumbrance</u>	<u>Other Encumbrance</u>	<u>Outstanding Instruments</u>	<u>Administrative Holds</u>	<u>Account Balance</u>
DEV	\$0.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.02
Totals:	\$0.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.02